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(Original Signature of Member)

107TH CONGRESS
2^D SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. HAYWORTH introduced the following bill; which was referred to the
Committee on _____

A BILL

To authorize and direct the exchange of certain land in
the State of Arizona between the Secretary of Agri-
culture and Yavapai Ranch Limited Partnership.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Yavapai Ranch Land
5 Exchange Refinement Act of 2002”.



1 **SEC. 2. FINDINGS AND PURPOSES.**

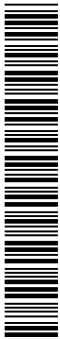
2 (a) FINDINGS.—Congress finds that—

3 (1) certain parcels of private land in the ap-
4 proximately 170 square miles of land commonly
5 known as the “Yavapai Ranch” and located in
6 Yavapai County, Arizona, are intermingled with Na-
7 tional Forest System land owned by the United
8 States and administered by the Secretary of Agri-
9 culture as part of Prescott National Forest;

10 (2) the private land is owned by the Yavapai
11 Ranch Limited Partnership and the Northern
12 Yavapai, L.L.C. in an intermingled checkerboard
13 pattern, with the United States or Yavapai Ranch
14 Limited Partnership and the Northern Yavapai,
15 L.L.C. owning alternate square mile sections of land
16 or fractions of square mile sections;

17 (3) much of the private land within the checker-
18 board area (including the land located in or near the
19 Pine Creek watershed, Juniper Mesa Wilderness
20 Area, Haystack Peak, and the Luis Maria Baca
21 Float No. 5) is located in environmentally sensitive
22 areas that possess outstanding attributes and values
23 for public management, use, and enjoyment, includ-
24 ing opportunities for—

25 (A) outdoor recreation;



1 (B) preservation of stands of old growth
2 forest;

3 (C) important and largely unfragmented
4 habitat for antelope, deer, elk, mountain lion,
5 wild turkey, and other wildlife species;

6 (D) watershed protection and enhance-
7 ment;

8 (E) scientific research;

9 (F) rangeland;

10 (G) ecological and archaeological resources;

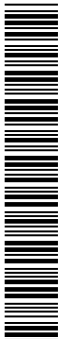
11 and

12 (H) scenic vistas;

13 (4) the checkerboard ownership pattern of land
14 within the Yavapai Ranch detracts from sound and
15 efficient management of the intermingled National
16 Forest System land;

17 (5) if the private land in the checkerboard area
18 is subdivided or developed, the intermingled National
19 Forest System land will become highly fragmented
20 and lose much of the value of the land for wildlife
21 habitat and future public access, use, and enjoy-
22 ment;

23 (6) acquisition by the United States of certain
24 parcels of land that have been offered by Yavapai
25 Ranch Limited Partnership and the Northern



1 Yavapai, L.L.C. for addition to Prescott National
2 Forest will serve important public objectives,
3 including—

4 (A) acquiring private land that meets the
5 criteria for inclusion in the National Forest
6 System in exchange for land with lower public,
7 environmental, and ecological values;

8 (B) consolidating a large area of National
9 Forest System land to preserve—

10 (i) permanent public access, use, and
11 enjoyment of the land; and

12 (ii) efficient management of the land;

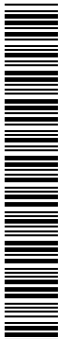
13 (C) minimizing cash outlays by the United
14 States to achieve the objectives described in
15 subparagraphs (A) and (B);

16 (D) significantly reducing administrative
17 costs to the United States through—

18 (i) consolidation of Federal land hold-
19 ings for more efficient land management
20 and planning;

21 (ii) elimination of approximately 350
22 miles of boundary between private land
23 and the Federal parcels;

24 (iii) reduced right-of-way, special use,
25 and other permit processing and issuance



1 for roads and other facilities on National
2 Forest System land; and

3 (iv) other administrative cost savings;

4 (E) significantly protecting the watershed
5 and stream flow of the Verde River in Arizona
6 by reducing the land available for future devel-
7 opment within that watershed by approximately
8 25,000 acres; and

9 (F) conserving the waters of the Verde
10 River through the recording of declarations re-
11 stricting the use of water on Federal land lo-
12 cated near the communities of Camp Verde,
13 Cottonwood and Clarkdale to be exchanged by
14 the United States to Yavapai Ranch Limited
15 Partnership or the Northern Yavapai, L.L.C.;

16 (7) Yavapai Ranch Limited Partnership and
17 the Northern Yavapai, L.L.C. have selected parcels
18 of National Forest System land that are logical for
19 conveyance to Yavapai Ranch Limited Partnership
20 or the Northern Yavapai, L.L.C. through a land ex-
21 change because the parcels—

22 (A) are located in less environmentally sen-
23 sitive areas than the land to be acquired by the
24 United States;



1 (B) have significantly lower recreational,
2 wildlife, ecological, aesthetic, and other public
3 purpose values than the land to be acquired by
4 the United States; and

5 (C) are encumbered by special use permits
6 and rights-of-way for a variety of purposes (in-
7 cluding summer youth camps, municipal water
8 treatment facilities, sewage treatment facilities,
9 city parks, and airport-related facilities) that—

10 (i) limit the usefulness of the parcels
11 for general National Forest System pur-
12 poses; but

13 (ii) are logical for pass-through con-
14 veyances from Yavapai Ranch Limited
15 Partnership and the Northern Yavapai,
16 L.L.C. to the permit or right-of-way hold-
17 ers;

18 (8) because of residential and ranchette-style
19 subdivisions and developments on land adjacent to
20 the Yavapai Ranch, it is in the interest of the
21 public—

22 (A) to authorize, direct, facilitate, and ex-
23 pedite the exchange of Federal land and non-
24 Federal land; and



1 (B) to establish a large consolidated area
2 of National Forest System land; and

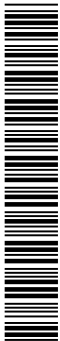
3 (9) without a land exchange, Yavapai Ranch
4 Limited Partnership and the Northern Yavapai,
5 L.L.C. will be forced to initiate development of the
6 non-Federal land.

7 (b) PURPOSE.—The purpose of this Act is to further
8 the public interest by authorizing, directing, facilitating,
9 and expediting the exchange of Federal land and non-Fed-
10 eral land between the United States, Yavapai Ranch Lim-
11 ited Partnership, and the Northern Yavapai, L.L.C.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

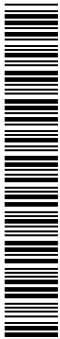
14 (1) CAMP VERDE DECLARATION.—The term
15 “Camp Verde Declaration” means the Declaration of
16 Covenants, Conditions, and Restrictions executed by
17 Yavapai Ranch Limited Partnership and the North-
18 ern Yavapai, L.L.C., on or about August 12, 2002,
19 and recorded in the official records of Yavapai Coun-
20 ty, Arizona, that is intended to run with the land
21 and imposes certain water use restrictions, water
22 source limitations, and water conservation measures
23 on the future development of the land described in
24 section 4(a)(2)(D).



1 (2) COTTONWOOD DECLARATION.—The term
2 “Cottonwood Declaration” means the Declaration of
3 Covenants, Conditions and Restrictions executed by
4 Yavapai Ranch Limited Partnership and the North-
5 ern Yavapai, L.L.C., on or about August 12, 2002,
6 and recorded in the official records of Yavapai Coun-
7 ty, Arizona, that is intended to run with the land
8 and imposes certain water use restrictions, water
9 source limitations, and water conservation measures
10 on the future development of the land described in
11 section 4(a)(2)(E).

12 (3) DECLARATIONS.—The term “Declarations”
13 collectively means the Camp Verde Declaration and
14 the Cottonwood Declaration, both of which Congress
15 is requiring to be recorded as encumbrances on the
16 Camp Verde Federal land described in section
17 4(a)(2)(D) and the Cottonwood/Clarkdale Federal
18 land described in section 4(a)(2)(E) in order to con-
19 serve water resources in the Verde River Valley, Ari-
20 zona.

21 (4) FEDERAL LAND.—The term “Federal land”
22 means the land directed for exchange to YRLP in
23 section 4(a)(2).



1 (5) MANAGEMENT PLAN.—The term “Manage-
2 ment Plan” means the land and resource manage-
3 ment plan for Prescott National Forest.

4 (6) NON-FEDERAL LAND.—The term “non-Fed-
5 eral land” means the approximately 35,000 acres of
6 non-Federal land located within the boundaries of
7 Prescott National Forest and directed for exchange
8 to the United States, as generally depicted on the
9 map entitled “Yavapai Ranch Non-Federal Lands”,
10 dated April 2002.

11 (7) SECRETARY.—The term “Secretary” means
12 the Secretary of Agriculture.

13 (8) SUMMER CAMPS.—The term “summer
14 camps” means Camp Pearlstein and Friendly Pines,
15 Patterdale Pines, Pine Summit, Sky Y, and
16 YoungLife Lost Canyon camps in the State of Ari-
17 zona.

18 (9) YRLP.—

19 (A) IN GENERAL.—The term “YRLP”
20 means—

21 (i) the Yavapai Ranch Limited Part-
22 nership, an Arizona Limited Partnership;
23 and

24 (ii) the Northern Yavapai, L.L.C., an
25 Arizona Limited Liability Company.



1 (B) INCLUSIONS.—Except as otherwise ex-
2 pressly provided in this Act, the term “YRLP”
3 includes successors-in-interest, assigns, trans-
4 ferees, and affiliates of YRLP.

5 **SEC. 4. LAND EXCHANGE.**

6 (a) CONVEYANCE OF FEDERAL LAND BY THE
7 UNITED STATES.—

8 (1) IN GENERAL.—On receipt of an offer from
9 YRLP to convey the non-Federal land, the Secretary
10 shall convey to YRLP by deed acceptable to YRLP
11 all right, title, and interest of the United States in
12 and to the Federal land described in paragraph (2),
13 subject to easements, rights-of-way, utility lines, and
14 any other valid encumbrances on the Federal land in
15 existence on the date of enactment of this Act and
16 such other reservations as may be mutually agreed
17 to by the Secretary and YRLP.

18 (2) DESCRIPTION OF FEDERAL LAND.—The
19 Federal land referred to in paragraph (1) shall con-
20 sist of the following:

21 (A) Certain land comprising approximately
22 15,300 acres located in Yavapai County, Ari-
23 zona, as generally depicted on the map entitled
24 “Yavapai Ranch-Ranch Area Federal Lands”,
25 dated April 2002.



1 (B) Certain land in the Coconino National
2 Forest, Coconino County Arizona—

3 (i) comprising approximately 1,500
4 acres located in Coconino National Forest,
5 Coconino County, Arizona, as generally de-
6 picted on the map entitled “Flagstaff Fed-
7 eral Lands-Airport Parcel”, dated April
8 2002; and

9 (ii) comprising approximately 28.26
10 acres in 2 separate parcels, as generally
11 depicted on the map entitled “Flagstaff
12 Federal Lands—Wetzel School and Mt.
13 Elden Parcels”, dated September 2002.

14 (C) Certain land referred to as Williams
15 Airport, Williams golf course, Williams Sewer,
16 Buckskinner Park, Williams Railroad, and Well
17 parcels numbers 2, 3, and 4, comprising ap-
18 proximately 950 acres, all located in Kaibab
19 National Forest, Coconino County, Arizona, as
20 generally depicted on the map entitled “Wil-
21 liams Federal Lands”, dated April 2002.

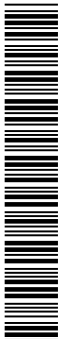
22 (D) Certain land comprising approximately
23 2,200 acres located in Prescott National Forest,
24 Yavapai County, Arizona, as generally depicted
25 on the map entitled “Camp Verde Federal



1 Land—General Crook Parcel”, dated April
2 2002, and title to which shall be conveyed to
3 Yavapai Ranch Limited Partnership or the
4 Northern Yavapai, L.L.C., but not to any suc-
5 cessor-in-interest, assign, transferee or affiliate
6 of Yavapai Ranch Limited Partnership or the
7 Northern Yavapai, L.L.C., or any other person
8 or entity holding or acquiring any interest in
9 Yavapai Ranch.

10 (E) Certain land comprising approximately
11 820 acres located in Prescott National Forest
12 in Yavapai County, Arizona, as generally de-
13 picted on the map entitled “Cottonwood/
14 Clarkdale Federal Lands”, dated April 2002,
15 and title to which shall be conveyed to Yavapai
16 Ranch Limited Partnership or the Northern
17 Yavapai, L.L.C., but not to any successor-in-in-
18 terest, assign, transferee or affiliate of Yavapai
19 Ranch Limited Partnership or the Northern
20 Yavapai, L.L.C., or any other person or entity
21 holding or acquiring any interest in Yavapai
22 Ranch.

23 (F) Certain land comprising approximately
24 237.5 acres located in Kaibab National Forest,
25 Coconino County, Arizona, as generally depicted



1 on the map entitled “Younglife Lost Canyon”,
2 dated April 2002.

3 (G) Certain land comprising approximately
4 200 acres located in Prescott National Forest,
5 Yavapai County, Arizona, and including Friend-
6 ly Pines, Patterdale Pines, Camp Pearlstein,
7 Pine Summit, and Sky Y, as generally depicted
8 on the map entitled “Prescott Federal Lands—
9 Summer Youth Camp Parcels”, dated April
10 2002.

11 (H) Perpetual, unrestricted, and nonexclu-
12 sive easements that—

13 (i) run with and benefit land owned
14 by or conveyed to YRLP across certain
15 land of the United States;

16 (ii) are for—

17 (I) the purposes of operating,
18 maintaining, repairing, improving,
19 and replacing electric power lines or
20 water pipelines (including related stor-
21 age tanks, valves, pumps, and hard-
22 ware); and

23 (II) rights of reasonable ingress
24 and egress necessary for the purposes
25 described in subclause (I);



1 (iii) are 20 feet in width; and
2 (iv) are located 10 feet on either side
3 of each line depicted on the map entitled
4 “YRLP Acquired Easements for Water
5 Lines”, dated April 2002.

6 (3) CONDITIONS.—

7 (A) PERMITS.—Permits or other legal oc-
8 cupancies of the Federal land by third parties
9 in existence on the date of transfer of the Fed-
10 eral land to YRLP shall be addressed in accord-
11 ance with—

12 (i) part 254.15 of title 36, Code of
13 Federal Regulations (or any successor reg-
14 ulation); and

15 (ii) other applicable laws (including
16 regulations).

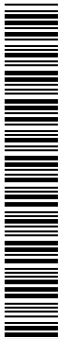
17 (B) CONVEYANCE OF CERTAIN PARCELS.—

18 (i) CAMP VERDE.—

19 (I) IN GENERAL.—Before YRLP
20 acquires the parcel described in para-
21 graph (2)(D), YRLP shall execute
22 and record the Camp Verde Declara-
23 tion.

24 (II) AMENDED DECLARATION.—

25 Following the acquisition of the parcel



1 described in paragraph (2)(D), YRLP
2 shall execute and record with the
3 Yavapai County Recorder an amended
4 declaration in which the legal descrip-
5 tion of the land referred to in the
6 Camp Verde Declaration is amended
7 to conform to the legal description in
8 paragraph (2)(D).

9 (ii) COTTONWOOD/CLARKDALE.—

10 (I) IN GENERAL.—Before YRLP
11 acquires the parcel described in para-
12 graph (2)(E), YRLP shall execute and
13 record the Cottonwood Declaration.

14 (II) AMENDED DECLARATION.—
15 Following the acquisition of the parcel
16 described in paragraph (2)(E), YRLP
17 shall execute and record with the
18 Yavapai County Recorder an amended
19 declaration in which the legal descrip-
20 tion of the land referred to in the Cot-
21 tonwood Declaration is amended to
22 conform to the legal description in
23 paragraph (2)(E).

24 (b) CONVEYANCE OF NON-FEDERAL LAND BY
25 YRLP.—



1 (1) IN GENERAL.—On receipt of title to the
2 Federal land, YRLP shall simultaneously convey to
3 the United States, by deed acceptable to Secretary
4 and subject to any encumbrances, all right, title, and
5 interest of YRLP in and to the non-Federal land.

6 (2) EASEMENTS.—

7 (A) IN GENERAL.—The conveyance of non-
8 Federal land to the United States under para-
9 graph (1) shall be subject to the reservation
10 of—

11 (i) perpetual and unrestricted ease-
12 ments and water rights that run with and
13 benefit the land retained by YRLP for—

14 (I) the operation, maintenance,
15 repair, improvement, development,
16 and replacement of not more than 3
17 existing wells;

18 (II) related storage tanks, valves,
19 pumps, and hardware; and

20 (III) pipelines to points of use;
21 and

22 (ii) easements for reasonable ingress
23 and egress to accomplish the purposes of
24 the easements described in clause (i).

25 (B) EXISTING WELLS.—



1 (i) IN GENERAL.—Each easement for
2 an existing well shall be—

3 (I) 40 acres in area; and

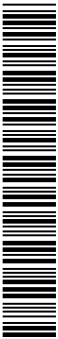
4 (II) to the maximum extent
5 practicable—

6 (aa) centered on the existing
7 well; and

8 (bb) located in the same
9 square mile section of land.

10 (ii) LIMITATION.—Within a 40-acre
11 easement described in clause (i), the
12 United States and any permittees or licens-
13 ees of the United States shall be prohibited
14 from undertaking any activity that inter-
15 feres with the use of the wells by YRLP,
16 without the written consent of YRLP.

17 (iii) RESERVATION OF WATER FOR
18 THE UNITED STATES.—The United States
19 shall be entitled to 1/2 of the production of
20 each existing well, not to exceed a total of
21 3,100,000 gallons of water annually, for
22 watering wildlife and stock from all 3
23 wells.



1 (C) REASONABLE ACCESS.—Each ease-
2 ment for ingress and egress shall be at least 20
3 feet in width.

4 (D) LOCATION.—The locations of the ease-
5 ments and wells shall be the locations generally
6 depicted on a map entitled “YRLP Reserved
7 Easements for Water Lines and Wells”, dated
8 April 2002.

9 (c) LAND TRANSFER PROBLEMS.—

10 (1) FEDERAL LAND.—If all or part of any par-
11 cels of Federal land cannot be transferred to YRLP
12 because of hazardous materials, or if the proposed
13 title to a Federal land parcel or parcels or fraction
14 thereof is unacceptable to YRLP because of the ex-
15 istence of unpatented mining claims, or in the event
16 of the presence of threatened or endangered species
17 or cultural or historic resources which cannot be
18 mitigated, or other third party rights under the pub-
19 lic land laws, the parcel or parcels or parts thereof
20 shall be deleted from the exchange and the Secretary
21 and YRLP may mutually agree to exchange other
22 Federal land in lieu of the deleted parcel or part
23 thereof in accordance with section 5(c). If the parcel
24 or parcels are deleted from the exchange, the non-



1 Federal land shall be adjusted in accordance with
2 section 5(c) as necessary to achieve equal value.

3 (2) NON-FEDERAL LAND.—If 1 or more of the
4 parcels of non-Federal land or a portion of such a
5 parcel cannot be conveyed to the United States be-
6 cause of the presence of hazardous materials or be-
7 cause the proposed title to a parcel or a portion of
8 the parcel is unacceptable to the Secretary—

9 (A) the parcel or any portion of the parcel
10 shall be excluded from the exchange; and

11 (B) the Federal land shall be adjusted in
12 accordance with section 5(c) to achieve approxi-
13 mate equal value.

14 (d) PASS-THROUGH CONVEYANCES.—

15 (1) IN GENERAL.—On or after the acquisition
16 of the Federal land, YRLP may subsequently pass
17 through or convey to the cities of Flagstaff, Wil-
18 liams, Camp Verde, Cottonwood, and the summer
19 camps the parcels of Federal land or portions of
20 parcels located in or near the cities or summer
21 camps.

22 (2) DELETION FROM EXCHANGE.—If YRLP
23 and the cities or summer camps referred to in para-
24 graph (1) have not agreed to the terms and condi-
25 tions of a pass-through or subsequent conveyance of



1 a parcel or portion of a parcel of Federal land before
2 the completion of the exchange, the Secretary, on
3 notice by YRLP, shall delete the parcel or any por-
4 tion of the parcel from the exchange, provided that
5 any portion so deleted shall be configured by the
6 Secretary to leave the United States with manage-
7 able post-exchange lands and boundaries.

8 (3) EASEMENTS.—In accordance with section
9 120(h) of the Comprehensive Environmental Re-
10 sponse, Compensation, and Liability Act of 1980 (42
11 U.S.C. 9620(h)), the United States shall reserve
12 easements in any land transferred to YRLP.

13 **SEC. 5. EXCHANGE VALUATION, APPRAISALS, AND EQUALI-**
14 **ZATION.**

15 (a) EQUAL VALUE EXCHANGE.—The values of the
16 non-Federal and Federal land directed to be exchanged
17 under this Act—

18 (1) shall be equal, as determined by the Sec-
19 retary; or

20 (2) if the values are not equal, shall be equal-
21 ized in accordance with subsection (c).

22 (b) APPRAISALS.—

23 (1) IN GENERAL.—The values of the Federal
24 land and non-Federal land shall be determined by
25 appraisals using the appraisal standards in—



1 (A) the Uniform Appraisal Standards for
2 Federal Land Acquisitions, fifth edition (De-
3 cember 20, 2000); and

4 (B) the Uniform Standards of Professional
5 Appraisal Practice.

6 (2) APPROVAL.—In accordance with part
7 254.9(a)(1) of title 36, Code of Federal Regulations
8 (or any successor regulation), the appraiser shall
9 be—

10 (A) acceptable to the Secretary and YRLP;
11 and

12 (B) a contractor, the clients of which shall
13 be both the Secretary and YRLP.

14 (3) REQUIREMENTS.—During the appraisal
15 process—

16 (A) the Secretary and YRLP shall have
17 equal access to the appraiser; and

18 (B) the Secretary and YRLP shall cooper-
19 ate with each other and the appraiser to pre-
20 pare appraisal instructions which shall require
21 the appraiser to—

22 (i) consider the effect on value of the
23 Federal land or non-Federal land because
24 of the existence of encumbrances on each
25 parcel, including—



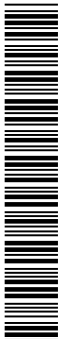
1 (I) permitted uses on Federal
2 land that cannot be reasonably termi-
3 nated before the appraisal;

4 (II) facilities on Federal land
5 that cannot be reasonably removed be-
6 fore the appraisal; and

7 (III) the reduction in value at-
8 tributable to the conservation meas-
9 ures and restrictions on water use
10 under the Declarations; and

11 (ii) determine the value of each parcel
12 of Federal land and non-Federal land (in-
13 cluding the value of each individual section
14 of the intermingled Federal and non-Fed-
15 eral land of the Yavapai Ranch) as an as-
16 sembled transaction consistent with the ap-
17 plicable provisions of parts 254.5 and
18 254.9(b)(1)(v) of title 36, Code of Federal
19 Regulations (or any successor regulation).

20 (4) DISPUTE RESOLUTION.—A dispute relating
21 to the appraised values of the Federal land or non-
22 Federal land following completion of the appraisal
23 shall be processed in accordance with—



1 (A) section 206(d) of the Federal Land
2 Policy and Management Act of 1976 (43 U.S.C.
3 1716(d)); and

4 (B) part 254.10 of title 36, Code of Fed-
5 eral Regulations (or any successor regulation).

6 (5) APPRAISAL PERIOD.—After the final ap-
7 praised values of the Federal land and non-Federal
8 land have been reviewed and approved by the Sec-
9 retary or otherwise determined in accordance with
10 the requirements of paragraph (4), the final ap-
11 praised values—

12 (A) shall not be reappraised or updated by
13 the Secretary before the completion of the land
14 exchange; and

15 (B) shall be considered to be the values of
16 the Federal land and non-Federal land on the
17 date of the transfer of title.

18 (6) AVAILABILITY.—A comprehensive summary
19 of the appraisals approved by the Secretary shall be
20 made available for public inspection in the Offices of
21 the Supervisors for Prescott, Coconino, and Kaibab
22 National Forests at the time the exchange is con-
23 summated.

24 (c) EQUALIZATION OF VALUES.—

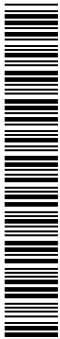
25 (1) SURPLUS OF NON-FEDERAL LAND.—



1 (A) IN GENERAL.—If, after any adjust-
2 ments are made to the non-Federal land or
3 Federal land under subsection (c) or (d) of sec-
4 tion 4, the final appraised value of the non-Fed-
5 eral land exceeds the final appraised value of
6 the Federal land, the Federal land and non-
7 Federal land shall be adjusted in accordance
8 with subparagraph (B) until the values are ap-
9 proximately equal.

10 (B) ADJUSTMENTS.—An adjustment re-
11 ferred to in subparagraph (A) shall be accom-
12 plished by beginning at the east boundary of
13 section 30, T. 20 N., R. 6 W., Gila and Salt
14 River Base and Meridian, Yavapai County, Ari-
15 zona, and adding to the Federal land to be con-
16 veyed to YRLP in $\frac{1}{8}$ section increments (N–S
17 64th line) and lot lines across the section, while
18 deleting from the conveyance to the United
19 States non-Federal land in the same incre-
20 mental portions of sections 19 and 31, T. 20
21 N., R. 6 W., Gila and Salt River Base and Me-
22 ridian, Yavapai County, Arizona, to establish a
23 linear and continuous boundary that runs north
24 to south across the sections.

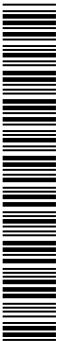
25 (2) SURPLUS OF FEDERAL LAND.—



1 (A) IN GENERAL.—If, after any adjust-
2 ments are made to the non-Federal land or
3 Federal land under subsection (c) or (d) of sec-
4 tion 4, the final appraised value of the Federal
5 land exceeds the final appraised value of the
6 non-Federal land, the Federal land and non-
7 Federal land shall be adjusted in accordance
8 with subparagraph (B) until the values are ap-
9 proximately equal.

10 (B) ADJUSTMENTS.—Adjustments under
11 subparagraph (A) shall be made in the fol-
12 lowing order:

13 (i) Beginning at the south boundary
14 of section 31, T. 20 N., R. 5 W., Gila and
15 Salt River Base and Meridian, Yavapai
16 County, Arizona, and sections 33 and 35,
17 T. 20 N., R. 6 W., Gila and Salt River
18 Base and Meridian, Yavapai County, by
19 adding to the non-Federal land to be con-
20 veyed to the United States in $\frac{1}{8}$ section
21 increments (E–W 64th line) while deleting
22 from the conveyance to YRLP Federal
23 land in the same incremental portions of
24 section 32, T. 20 N., R. 5 W., Gila and
25 Salt River Base and Meridian, Yavapai



1 County, Arizona, and sections 32, 34, and
2 36, in T. 20 N., R. 6 W., Gila and Salt
3 River Base and Meridian, Yavapai County,
4 Arizona, to establish a linear and contin-
5 uous boundary that runs east to west
6 across the sections.

7 (ii) By deleting the following parcels:

8 (I) The Williams Sewer parcel,
9 comprising approximately 20 acres, lo-
10 cated in Kaibab National Forest, and
11 more particularly described as the
12 $E^{1/2}NW^{1/4}SE^{1/4}$ portion of section 21,
13 T. 22 N., R. 2 E., Gila and Salt River
14 Base and Meridian, Coconino County,
15 Arizona.

16 (II) The Williams railroad parcel,
17 located in the Kaibab National For-
18 est, and more particularly described
19 as—

20 (aa) the $W^{1/2}SW^{1/4}$ portion
21 of section 26, T. 22 N., R. 2 E.,
22 Gila and Salt River Base and
23 Meridian, Coconino County, Ari-
24 zona, excluding any portion
25 northeast of the southwestern



27

1 right-of-way line of the Bur-
2 lington Northern and Santa Fe
3 Railway (Seligman Subdivision),
4 comprising approximately 30
5 acres;

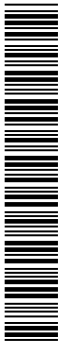
6 (bb) the NE¹/₄NW¹/₄, the
7 N¹/₂SE¹/₄NW¹/₄, the
8 SE¹/₄SE¹/₄NW¹/₄, the NE¹/₄, the
9 SE¹/₄SW¹/₄, and the SE¹/₄ por-
10 tions of section 27, T. 22 N., R.
11 2 E., Gila and Salt River Base
12 and Meridian, Coconino County,
13 Arizona, excluding any portion
14 north of the southern right-of-
15 way of Interstate 40 and any
16 portion northeast of the south-
17 western right-of-way line of the
18 Burlington Northern and Santa
19 Fe Railway (Seligman Subdivi-
20 sion), any portion south of the
21 northern right-of-way of the Bur-
22 lington Northern and Santa Fe
23 Railway (Phoenix Subdivision),
24 and any portion within Exchange



1 Survey No. 677, comprising ap-
2 proximately 220 acres;

3 (cc) the NE¹/₄NE¹/₄ portion
4 of section 34, T. 22 N., R. 2 E.,
5 Gila and Salt River Base and
6 Meridian, Coconino County, Ari-
7 zona, excluding any portion
8 southwest of the northeastern
9 right-of-way line of the Bur-
10 lington Northern and Santa Fe
11 Railway (Phoenix Subdivision),
12 comprising approximately 2
13 acres; and

14 (dd) the N¹/₂ portion of sec-
15 tion 35, T. 22 N., R. 2 E., Gila
16 and Salt River Base and Merid-
17 ian, Coconino County, Arizona,
18 excluding any portion north of
19 the southern right-of-way line of
20 the Burlington Northern and
21 Santa Fe Railway (Seligman
22 Subdivision) and any portion
23 south of the northern right-of-
24 way of the Burlington Northern
25 and Santa Fe Railway (Phoenix



1 Subdivision), comprising approxi-
2 mately 60 acres.

3 (III) Buckskinner Park, com-
4 prising approximately 50 acres, lo-
5 cated in Kaibab National Forest, and
6 more particularly described as the
7 $SW^{1/4}SW^{1/4}$, and the
8 $S^{1/2}S^{1/2}NW^{1/4}SW^{1/4}$ portions of sec-
9 tion 33, T. 22 N., R. 2 E., Gila and
10 Salt River Base and Meridian,
11 Coconino County, Arizona.

12 (IV) The Cottonwood/Clarkdale
13 parcel, comprising approximately 820
14 acres, located in Prescott National
15 Forest, and more particularly de-
16 scribed as—

17 (aa) lots 3, 4, 6, portions of
18 lots 7, 8, and 9, and the
19 $W^{1/2}NW^{1/4}$ and the $SW^{1/4}SE^{1/4}$
20 portions of section 5, T. 15 N.,
21 R. 3 E., Gila and Salt River
22 Base and Meridian, Yavapai
23 County, Arizona; and

24 (bb) the $S^{1/2}S^{1/2}N^{1/2}NW^{1/4}$,
25 the $E^{1/2}E^{1/2}NE^{1/4}NE^{1/4}NW^{1/4}$,



1 the E^{1/2}NE^{1/4}SE^{1/4}NE^{1/4}NW^{1/4},
2 the NW^{1/4}NE^{1/4}, the S^{1/2}NE^{1/4},
3 the S^{1/2}NW^{1/4}, and the S^{1/2} por-
4 tions of section 8, T. 15 N., R. 3
5 E., Gila and Salt River Base and
6 Meridian, Yavapai County, Ari-
7 zona.

8 (V) A portion of the Camp Verde
9 parcel, comprising approximately 511
10 acres, located in Prescott National
11 Forest, consisting of the land south of
12 the southeastern boundary of the I-17
13 right-of-way, and more particularly
14 described as the SE^{1/4} portion of sec-
15 tion 26, the E^{1/2} and the E^{1/2}W^{1/2}
16 portions of section 35, and lots 5
17 through 7 of section 36, T. 14 N., R.
18 4 E., Gila and Salt River Base and
19 Meridian, Yavapai County, Arizona.

20 (VI) The Wetzel school parcel,
21 comprising approximately 10.89 acres,
22 located in Coconino National Forest,
23 and more particularly described as lot
24 9 of section 11, T. 21 N., R. 7 E.,

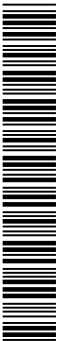


1 Gila and Salt River Base and Merid-
2 ian, Coconino County, Arizona.

3 (VII) The Mt. Eldon parcel, com-
4 prising approximately 17.21 acres, lo-
5 cated in Coconino National Forest,
6 and more particularly described as lot
7 7 of section 7, T. 21 N., R. 8 E., Gila
8 and Salt River Base and Meridian,
9 Coconino County, Arizona.

10 (VIII) A portion of the Camp
11 Verde parcel, comprising approxi-
12 mately 316 acres, located in Prescott
13 National Forest, and more particu-
14 larly described as the NENE¹/₄ and
15 lots 1, 5, and 6 of section 26, and the
16 N¹/₂N¹/₂ of section 27, T. 14 N., R. 4
17 E., Gila and Salt River Base and Me-
18 ridian, Yavapai County, Arizona.

19 (IX) A portion of the Camp
20 Verde parcel, comprising approxi-
21 mately 314 acres, located in Prescott
22 National Forest, and more particu-
23 larly described as the SENE¹/₄ and
24 lots 2, 7, 8, and 9 of section 26, and
25 the S¹/₂N¹/₂ of section 27, T. 14 N.,



1 R. 4 E., Gila and Salt River Base and
2 Meridian, Yavapai County, Arizona.

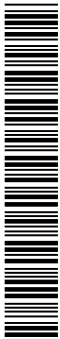
3 (C) MODIFICATIONS.—The descriptions of
4 land and acreage provided in subclauses (III),
5 (IV), and (V) of subparagraph (B)(ii) may be
6 modified to conform with a survey approved by
7 the Bureau of Land Management.

8 (3) ADDITIONAL EQUALIZATION OF VALUES.—
9 If, after the values are adjusted in accordance with
10 paragraph (1) or (2), the values of the Federal land
11 and non-Federal land are not equal, then the Sec-
12 retary and YRLP may by mutual agreement adjust
13 the acreage of the Federal land and non-Federal
14 land until the values of that land are equal.

15 (d) CASH EQUALIZATION.—

16 (1) IN GENERAL.—After the values of the non-
17 Federal and Federal land are equalized to the max-
18 imum extent practicable under subsection (c), any
19 balance due to the Secretary or to YRLP shall be
20 paid—

21 (A) through cash equalization payments
22 under section 206(b) of the Federal Land Pol-
23 icy and Management Act of 1976 (43 U.S.C.
24 1716(b)); or



1 (B) in accordance with standards estab-
2 lished by the Secretary and YRLP.

3 (2) LIMITATION.—

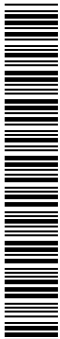
4 (A) IN GENERAL.—YRLP shall not be re-
5 quired to make any cash equalization payment
6 to the Secretary in an amount that exceeds
7 \$50,000.

8 (B) ADJUSTMENTS.—If the value of the
9 Federal land exceeds the value of the non-Fed-
10 eral land by more than \$50,000, the Secretary
11 and YRLP shall by mutual agreement delete
12 additional Federal land from the exchange until
13 the values of the Federal land and non-Federal
14 land are equal.

15 (C) DEPOSIT.—Any money received by the
16 United States under this Act shall, without fur-
17 ther appropriation, be deposited in a fund es-
18 tablished under Public Law 90–171 (16 U.S.C.
19 484(a)) (commonly known as the “Sisk Act”)
20 for the acquisition of land or interests in land
21 for National Forest System purposes in the
22 State of Arizona.

23 **SEC. 6. MISCELLANEOUS PROVISIONS.**

24 (a) REVOCATION OF ORDERS.—Any public orders
25 withdrawing any of the Federal land from appropriation



1 or disposal under the public land laws are revoked to the
2 extent necessary to permit disposal of the Federal land.

3 (b) WITHDRAWAL OF FEDERAL LAND.—The Federal
4 land is withdrawn from all forms of entry and appropria-
5 tion under the public land laws, including the mining and
6 mineral leasing laws and the Geothermal Steam Act of
7 1970 (30 U.S.C. 1001 et seq.), until the date on which
8 the exchange of Federal land and non-Federal land is com-
9 pleted.

10 (c) SURVEYS, INVENTORIES, AND CLEARANCES.—
11 Before completing the exchange of Federal land and non-
12 Federal land directed by this Act, the Secretary shall carry
13 out land surveys and preexchange inventories, clearances,
14 reviews, and approvals relating to hazardous materials,
15 threatened and endangered species, cultural and historic
16 resources, and wetlands and floodplains.

17 (d) COSTS OF IMPLEMENTING THE EXCHANGE.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), the Secretary shall be responsible for any
20 costs of implementing the exchange of Federal land
21 and non-Federal land.

22 (2) EXCEPTIONS.—Subject to paragraph (3),
23 YRLP shall be responsible for paying—

24 (A) 100 percent of the costs of—



1 (i) conducting the appraisals of the
2 Federal land and non-Federal land;

3 (ii) the preparation of necessary land
4 surveys and verified legal descriptions of
5 the Federal land and non-Federal land;
6 and

7 (iii) title insurance; and

8 (B) 50 percent of the costs of—

9 (i) conducting cultural and historic re-
10 source surveys;

11 (ii) conducting surveys of hazardous
12 materials;

13 (iii) escrow; and

14 (iv) publication of notice of the pro-
15 posed exchange.

16 (3) LIMITATIONS.—

17 (A) IN GENERAL.—YRLP shall not pay
18 more than \$500,000 of the costs described in
19 paragraph (2).

20 (B) CREDIT.—Any costs paid by YRLP for
21 cultural or historic resource surveys before the
22 date of enactment of this Act shall be credited
23 against the maximum amount required to be
24 paid by YRLP under subparagraph (A).



1 (4) REIMBURSEMENT.—No amount paid by
2 YRLP under this subsection shall be eligible for re-
3 imbursement under section 206(f) of the Federal
4 Land Policy and Management Act of 1976 (43
5 U.S.C. 1716(f)).

6 (e) TIMING.—It is the intent of Congress that the
7 exchange of Federal land and non-Federal land directed
8 by this Act be completed not later than 1 year after the
9 date of enactment of this Act.

10 (f) CONTRACTORS.—

11 (1) IN GENERAL.—If the Secretary lacks ade-
12 quate staff or resources to complete the exchange by
13 the date referred to in subsection (e), or if the costs
14 described in subsection (d)(2) exceed the limitation
15 described in subsection (d)(3), the Secretary shall
16 reimburse YRLP for the costs of 1 or more inde-
17 pendent third party contractors, subject to the ap-
18 proval of the Secretary and YRLP, to carry out any
19 activities necessary to complete the exchange by that
20 date.

21 (2) CREDITS.—If the Secretary lacks funds
22 with which to reimburse YRLP in accordance with
23 paragraph (1), the Secretary shall credit any
24 amounts paid by YRLP to third party independent
25 contractors against the value of the Federal land in



1 accordance with section 206(f) of the Federal Land
2 Policy and Management Act of 1976 (43 U.S.C.
3 1716(f)).

4 **SEC. 7. STATUS AND MANAGEMENT OF LAND AFTER EX-**
5 **CHANGE.**

6 (a) IN GENERAL.—Non-Federal land acquired by the
7 United States under this Act—

8 (1) shall become part of the Prescott National
9 Forest; and

10 (2) shall be administered by the Secretary in
11 accordance with—

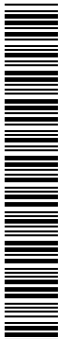
12 (A) this Act; and

13 (B) the laws (including regulations) appli-
14 cable to the National Forest System.

15 (b) MANAGEMENT PLAN.—

16 (1) IN GENERAL.—Acquisition of the land au-
17 thorized by this Act shall not, of itself, require a re-
18 vision or amendment to the Management Plan for
19 Prescott National Forest.

20 (2) AMENDMENT OR REVISION OF PLAN.—If
21 the Management Plan is amended or revised after
22 the date of acquisition of non-Federal land under
23 this Act, the Management Plan shall be amended to
24 reflect the acquisition of the non-Federal land.



1 (c) POST-EXCHANGE MANAGEMENT OF CERTAIN
2 LAND.—

3 (1) IN GENERAL.—Following its acquisition by
4 the United States, the non-Federal land acquired by
5 the United States and adjoining National Forest
6 System land shall be managed in accordance with
7 paragraphs (2) through (6), and the laws, rules, and
8 regulations generally applicable to the National For-
9 est System.

10 (2) PROTECTION OF NATURAL RESOURCES.—
11 The land shall be managed in a manner that main-
12 tains the species, character, and natural values of
13 the land, including—

14 (A) deer, pronghorn antelope, wild turkey,
15 mountain lion, and other resident wildlife and
16 native plant species;

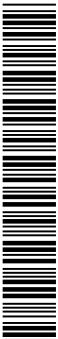
17 (B) suitability for livestock grazing; and

18 (C) aesthetic values.

19 (3) GRAZING.—Each area located in the
20 Yavapai Ranch grazing allotment as of the date of
21 enactment of this Act shall—

22 (A) remain in the Yavapai Ranch grazing
23 allotment; and

24 (B) continue to be subject to grazing in ac-
25 cordance with the laws, rules, and regulations



1 generally applicable to domestic livestock graz-
2 ing on National Forest System land.

3 (4) ROADS.—

4 (A) IMPROVEMENT AND MAINTENANCE.—

5 The Secretary shall maintain or improve a sys-
6 tem of roads and trails on the land to provide
7 opportunities for hunting, motorized and non-
8 motorized recreation, and other uses of the land
9 by the public.

10 (B) PUBLIC ACCESS ROAD.—

11 (i) CONSTRUCTION.—The Secretary
12 shall improve or construct a public access
13 road linking Forest Road 7 (Pine Creek
14 Road) to Forest Road 1 (Turkey Canyon
15 Road) through portions of sections 33, 32,
16 31, and 30, T. 19 N., R. 6 W., Gila and
17 Salt River Base and Meridian.

18 (ii) EXISTING ROAD.—The existing
19 road linking Pine Creek and Gobbler
20 Knob—

21 (I) shall remain open until the
22 date on which the new public access
23 road is completed; and



1 (II) after the date on which the
2 new public access road is completed,
3 shall be obliterated.

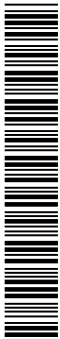
4 (C) EASEMENTS.—

5 (i) IN GENERAL.—Simultaneously
6 with completion of the land exchange di-
7 rected by this Act, the Secretary and
8 YRLP shall mutually grant to each other
9 at no charge reciprocal easements for in-
10 gress, egress, and utilities across, over, and
11 through—

12 (I) the routes depicted on the
13 map entitled “Road and Trail Ease-
14 ments—Yavapai Ranch Area” dated
15 April 2002; and any other inholdings
16 retained by the United States or
17 YRLP; or

18 (II) any relocated routes that are
19 mutually agreed to by the Secretary
20 and YRLP.

21 (ii) REQUIREMENTS.—Easements
22 granted under this subparagraph shall be
23 unlimited, perpetual, and nonexclusive in
24 nature, and shall run with and benefit the
25 land of the grantee.



1 (iii) RIGHTS OF GRANTEE.—The
2 rights of the grantee shall extend to—

3 (I) in the case of YRLP, any suc-
4 cessors-in-interest, assigns, and trans-
5 ferees of YRLP; and

6 (II) in the case of the Secretary,
7 members of the general public, as de-
8 termined to be appropriate by the
9 Secretary.

10 (5) TIMBER HARVESTING.—

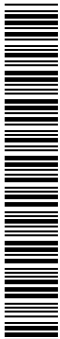
11 (A) IN GENERAL.—Except as provided in
12 subparagraph (B), timber harvesting for com-
13 modity production shall be prohibited on the
14 non-Federal land.

15 (B) EXCEPTIONS.—Timber harvesting may
16 be conducted on the land if the Secretary deter-
17 mines that timber harvesting is necessary—

18 (i) to prevent or control fires, insects,
19 and disease through forest thinning or
20 other forest management techniques; or

21 (ii) to protect or enhance grassland
22 habitat, watershed values, or native plants,
23 trees, and wildlife species.

24 (6) WATER IMPROVEMENTS.—Nothing in this
25 Act prohibits the Secretary from authorizing or con-



1 structing new water improvements in accordance
2 with the laws, rules, and regulations applicable to
3 water improvements on National Forest System land
4 for—

5 (A) the benefit of domestic livestock or
6 wildlife management; or

7 (B) the improvement of forest health or
8 forest restoration.

9 (d) MAPS.—

10 (1) IN GENERAL.—The Secretary and YRLP
11 may correct any minor errors in the maps of, legal
12 descriptions of, or encumbrances on the Federal
13 land or non-Federal land.

14 (2) DISCREPANCY.—In the event of any dis-
15 crepancy between a map, acreage, and a legal de-
16 scription, the map shall prevail unless the Secretary
17 and YRLP agree otherwise.

18 (3) AVAILABILITY.—The Declarations and all
19 maps referred to in this Act shall be on file and
20 available for inspection in the Office of the Super-
21 visor, Prescott National Forest, Prescott, Arizona.

22 (e) EFFECT.—Nothing in this Act precludes, pro-
23 hibits, or otherwise restricts YRLP from subsequently
24 granting, conveying, or otherwise transferring title to the
25 Federal land after its acquisition of the Federal land and



1 recordation of the Declarations and any conforming
2 amendments to the Declarations.

3 (f) ENCROACHMENT LAND IN FLAGSTAFF.—

4 (1) IN GENERAL.—The Secretary shall convey
5 by quitclaim deed lot 8 in section 11, T. 21 N., R.
6 7 E., Gila and Salt River Base and Meridian,
7 Coconino County, Arizona, to a single individual or
8 entity, either of which represent the majority of
9 landowners with encroachments on such lot.

10 (2) PAYMENT TO THE UNITED STATES.—In
11 consideration of the conveyance directed by para-
12 graph (1), the individual or entity representing the
13 majority of landowners with encroachments on lot 8
14 shall pay to the Secretary the sum of \$2500 plus
15 any costs of re-monumenting the boundary of lot 8.

16 (3) TIMING.—The Secretary shall convey lot 8
17 in accordance with this subsection within 90 days of
18 receipt of powers of attorney executed to a single in-
19 dividual or entity representing the majority of land-
20 owners with encroachments on lot 8. If the powers
21 of attorney are not delivered to the Secretary within
22 270 days of the date of enactment of this Act, the
23 authorization under this subsection shall expire and,
24 thereafter, any conveyances shall be made under
25 Public Law 97–465 (16 U.S.C. 521c et seq.).

